

1 Rule 16. Pretrial conferences, scheduling, and management conferences.

2 (a) Pretrial conferences. In any action, the court in its discretion or upon motion of a
3 party, may direct the attorneys for the parties and any unrepresented parties to appear
4 before it for a conference or conferences before trial for such purposes as:

5 (a)(1) expediting the disposition of the action;

6 (a)(2) establishing early and continuing control so that the case will not be protracted
7 for lack of management;

8 (a)(3) discouraging wasteful pretrial activities;

9 (a)(4) improving the quality of the trial through more thorough preparation;

10 (a)(5) facilitating the settlement of the case; and

11 (a)(6) considering all matters as may aid in the disposition of the case.

12 (b) Scheduling and management conference and orders. In any action, in addition to
13 any other pretrial conferences that may be scheduled, the court, upon its own motion or
14 upon the motion of a party, may conduct a scheduling and management conference.
15 The attorneys and unrepresented parties shall appear at the scheduling and
16 management conference in person or by remote electronic means. Regardless whether
17 a scheduling and management conference is held, on motion of a party the court shall
18 enter a scheduling order that governs the time:

19 (b)(1) to join other parties and to amend the pleadings;

20 (b)(2) to file motions; and

21 (b)(3) to complete discovery.

22 The scheduling order may also include:

23 (b)(4) modifications of the times for disclosures under Rules 26(a) and 26(e)(1) and
24 of the extent of discovery to be permitted;

25 (b)(5) the date or dates for conferences before trial, a final pretrial conference, and
26 trial; ~~and~~

27 (b)(6) provisions for preservation, disclosure or discovery of electronically stored
28 information;

29 (b)(7) any agreements the parties reach for asserting claims of privilege or of
30 protection as trial-preparation material after production; and

31 ~~(b)(6)-(b)(8)~~ any other matters appropriate in the circumstances of the case.

32 Unless the order sets the date of trial, any party may and the plaintiff shall, at the
33 close of all discovery, certify to the court that the case is ready for trial. The court shall
34 schedule the trial as soon as mutually convenient to the court and parties. The court
35 shall notify parties of the date of trial and of any pretrial conference.

36 (c) Final pretrial or settlement conferences. In any action where a final pretrial
37 conference has been ordered, it shall be held as close to the time of trial as reasonable
38 under the circumstances. The conference shall be attended by at least one of the
39 attorneys who will conduct the trial for each of the parties, and the attorneys attending
40 the pretrial, unless waived by the court, shall have available, either in person or by
41 telephone, the appropriate parties who have authority to make binding decisions
42 regarding settlement.

43 (d) Sanctions. If a party or a party's attorney fails to obey a scheduling or pretrial
44 order, if no appearance is made on behalf of a party at a scheduling or pretrial
45 conference, if a party or a party's attorney is substantially unprepared to participate in
46 the conference, or if a party or a party's attorney fails to participate in good faith, the
47 court, upon motion or its own initiative, ~~may make such orders with regard thereto as~~
48 ~~are just, and among others, any of the orders provided in Rule 37(b)(2)(B), (C), (D). In~~
49 ~~lieu of or in addition to any other sanctions, the court shall require the party or the~~
50 ~~attorney representing the party or both to pay the reasonable expenses incurred~~
51 ~~because of any noncompliance with this rule, including attorney fees, unless the court~~
52 ~~finds that the noncompliance was substantially justified or that other circumstances~~
53 ~~make an award of expenses unjust may take any action authorized by Rule 37(b)(2).~~